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January 19, 1993

FEB - 3 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: C.W.A. Broadcasting Inc. comments  
to Proposed Amendments of FM  
Table of Allotments and Proposed  
Rule Making MM Docket 92-291  
RM-8133

Dear Ms. Searcy:

Transmitted herewith, on behalf of C.W.A. Broadcasting, Inc. Permittee: For WFBR.FM, Cambridge, Maryland are an original and four copies of our comments for a Petition for Rulemaking. Also enclosed is the requested F.C.C. Form 208.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Very truly yours,

*Charles W. Adams, Jr.*  
Charles W. Adams, Jr., President  
C.W.A. Broadcasting, Inc.  
35 Solomon's Island Road  
Annapolis, MD 21401

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

**RECEIVED**

In the Matter of )  
Amendment of Section 73.202(b). )  
Table off Allotments, )  
FM Broadcast Stations )  
Cambridge and St. Michaels, Maryland )

MM Docket No. 92-291  
RM-8133

FEB - 5 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

TO: The Chief, Allocations Branch  
Policy and Rules Division  
Mass Medial Bureau

**PETITION FOR RULEMAKING**

C.W.A. Broadcasting, Inc. ("PETITIONER") by it's President hereby files it's comments in support of the rulemaking proceeding to amend the Table of Allotments 73.202(b). The Petitioner seeks to amend the FM Table of Allotments in the above-captioned communities to permit the following substitution. To eliminate Channel 232A at Cambridge, Maryland and place Channel 232A at St. Michaels, Maryland and to modify the construction permit of WFBR FM accordingly. (BMPH 920828JK). The proposed change in the rules is summarized as follows:

<u>City</u>	<u>Channel Number</u>	
	<u>Present</u>	<u>Proposed</u>
Cambridge, MD	292A, 232A	292A
St. Michaels, MD	---	232A

Should the commission allott and authorize Channel 232A to St. Michaels, MD, the Petitioner will immediately file an application on F.C.C. Form 301 and expeditiously construct and operate a Class "A" FM radio station at St. Michaels, Maryland with the maximum lawful facilities.

Enclosed and shown as "Exhibit 1" is C.W.A. Broadcasting, Inc. President's affidavit.

- (1) C.W.A. Broadcasting ("Petitioner"), permittee of Station WFBR(FM), Channel 232A, Cambridge, Maryland, has filed a petition for rule making proposing the reallocation of Channel 232A from Cambridge to St. Michaels, Maryland, as that community's first local transmission service. Petitioner seeks modification of its construction permit (BMPH-920828JK) for Station WFBR(FM) to specify the change of community license from Cambridge to St. Michaels, Maryland.
- (2) C.W.A.'s proposal to eliminate Channel 232A at Cambridge, Maryland and place at St. Michaels, Maryland will under the provisions of Section 1.420(1) of the commission's rules, result in a preferential arrangement of allotments. Currently, Cambridge, Maryland is served by WCEM(AM) 1240Khz; 1 KW-U, WCEM(FM) Channel 292-A (106.3, Mhz). Both stations are licensed to Cambridge, Maryland. CWA feels it's important to point out that Cambridge also receives a 70dbu "City Grade" signal from WCEI(FM) at Easton, Maryland, Channel 244.B1 (96.7 Mhz) and a major part of Cambridge receives a 70dbu "City Grade" signal from WAAI(FM) at Hurlock, Maryland. Channel 263A (100.9Mhz) at 6KW from their transmitters site at north latitude: 38-37-28, west longitude: 75-53-20. It would appear, should the commission adopt CWA proposal, that the community of Cambridge, Maryland would continue to be well serviced.
- (3) The proposed new community of license, St. Michaels, Maryland is situated in the central part Maryland's Eastern Shore and is part of Talbot County, Maryland. St. Michaels, the oldest town in Talbot County, has a rich history that pre-dates the founding of colonial Maryland. The storybook setting of this pleasant harbor village

attracts visitors by both land and sea. Colorful lore of days gone by is of much interest, as are the museums, shops, quaint bed and breakfast inns and fine dining establishments that are found in St. Michaels. St. Michaels is home to the Chesapeake Bay Maritime Museum, Museum of Costume, St. Mary's Square Museum, plus other attractions and various annual events. The 1990 census population is 1,400. St. Michaels, Maryland has its own postal zip code of 21663.

Pursuant to Section 307(b) of the Communications Act of 1935, as amended, requires that the Commission fairly, equitably, and efficiently distribute frequencies...among the several states and communities. The Commission has defined "communities" as geographically identifiable population groupings. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status.

St. Michaels is an incorporated town within Talbot County. St. Michaels is governed independently and hold elections for its own officials. St. Michaels has a property tax, for which it sets its own rate, billed and collected at the same time as county real estate taxes. St. Michaels retains authority for planning and zoning within its boundaries. St. Michaels provides services that include police protection, trash collection, water systems and most sewage systems, maintenance of streets and parks within it's boundaries. This would be the first broadcast facility at St. Michaels.

The Petitioner will meet and excide the commission's rule with regard to meeting the community needs and interest of St. Michaels, Maryland. The Petitioner will work closely with the city of St. Michaels and it's departments and agencies. The

Petitioner will also work with the Talbot County governmental agencies, Churches, clubs and civic organizations. The Petitioner will meet and excide it's obligation of providing public affairs and public service programs.

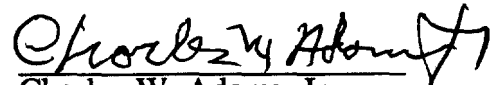
Should the commission implement the proposed rule making, C.W.A., Inc. will file an application on F.C.C. Form 301 and expeditiously construct and operate radio station W.F.B.R. (FM). This station will represent the first black owned and operated radio station on the Eastern Shore of Maryland, and the public interest will be served.

- (4) The attached engineering statement, shown as Exhibit 2, of C.W.A.'s consulting engineer firm of Lechman and Johnson, Inc., illustrates the requested information regarding reception service gains and losses that would result from the adoption of this proposal.
- (5) Enclosed, shown as Exhibit 3, is a letter sent to Mr. Dennis Williams, Chief FM Branch. The Petitioner feels there is information presented in this letter that is supported in this proposed petition rulemaking.

CONCLUSION

It is respectfully requested that the commission amend the FM Table of Allotments as requested. C.W.A. feels this change would be in the public interest.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Charles W. Adams, Jr.", with a stylized flourish at the end.

Charles W. Adams, Jr.

President

C.W.A. Broadcasting, Inc.  
35 Solomon's Island Road  
Annapolis, MD 21401

January 18, 1993

**"EXHIBIT 1"**

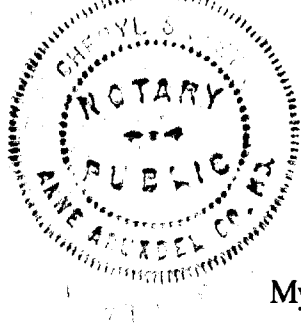
AFFIDAVIT

I, Charles W. Adams, Jr., of 35 Solomons Island Road, Annapolis, Maryland, 21401, state the following:

1. I am President of C.W.A. Broadcasting, Inc.
2. I certify that, to the best of my knowledge and belief, all of the statements are true, correct, complete, and made in good faith.

Charles W. Adams, Jr.  
Charles W. Adams, Jr.

Subscribed and sworn to before me this 21<sup>ST</sup> day of JANUARY 1993.



Cheryl A. Potts  
Notary Public  
(Commissioned as Cheryl Sweet)

My Commission Expires: June 7, 1994.



**"EXHIBIT 2"**

**DECLARATION**

Prepared For

C.W.A. Broadcasting, Inc.

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland, and that his qualifications are a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by C.W.A. Broadcasting, Inc., permittee of Station WFBR, Salisbury, Maryland, to prepare this Engineering Statement in support of a Petition For Rule Making to amend the Table of FM Assignments, Section 73. 202(b), to allocate Channel 232A from Cambridge to St. Michaels, Maryland.

WFBR is currently authorized to operate with 6 kW ERP and antenna HAAT of 100 meters. The Class A contour distance to the 60 dBu contour is 28 1/ kilometers. Thus the area of the Class A operation is 2,463 square kilometers.

Using the coordinates of the existing WFBR operation and it's reference contour distance, a population count, based upon the 1990 census, shows that the 60 dBu contour serves 65,135 people (See Attachment A). Using the proposed reference site and its reference contour distance, the population predicted to receive a 60 dBu signal increases to 142,493 (See Attachment B). This represents a population 2.2 times as large as the existing operation.

The sites and service areas of the authorized and proposed operations have been plotted onto a large scale map of the area (See Figure 1). Based upon an equal distribution of the population within each contour and the percentage of the gain and loss areas, the population gain and loss was computed. Thus, the area that would lose service contains 45,037 people and the area that will receive a new service contains 98,524 people.

**LECHMAN & JOHNSON, INC.**

Declaration of Thomas J. Johnson  
January 6, 1993  
Page Two

Thus 53,487 more people will gain service from the reallocation of WFBR from Cambridge to St. Michaels.

I declare under penalty of perjury that the foregoing is true and correct.

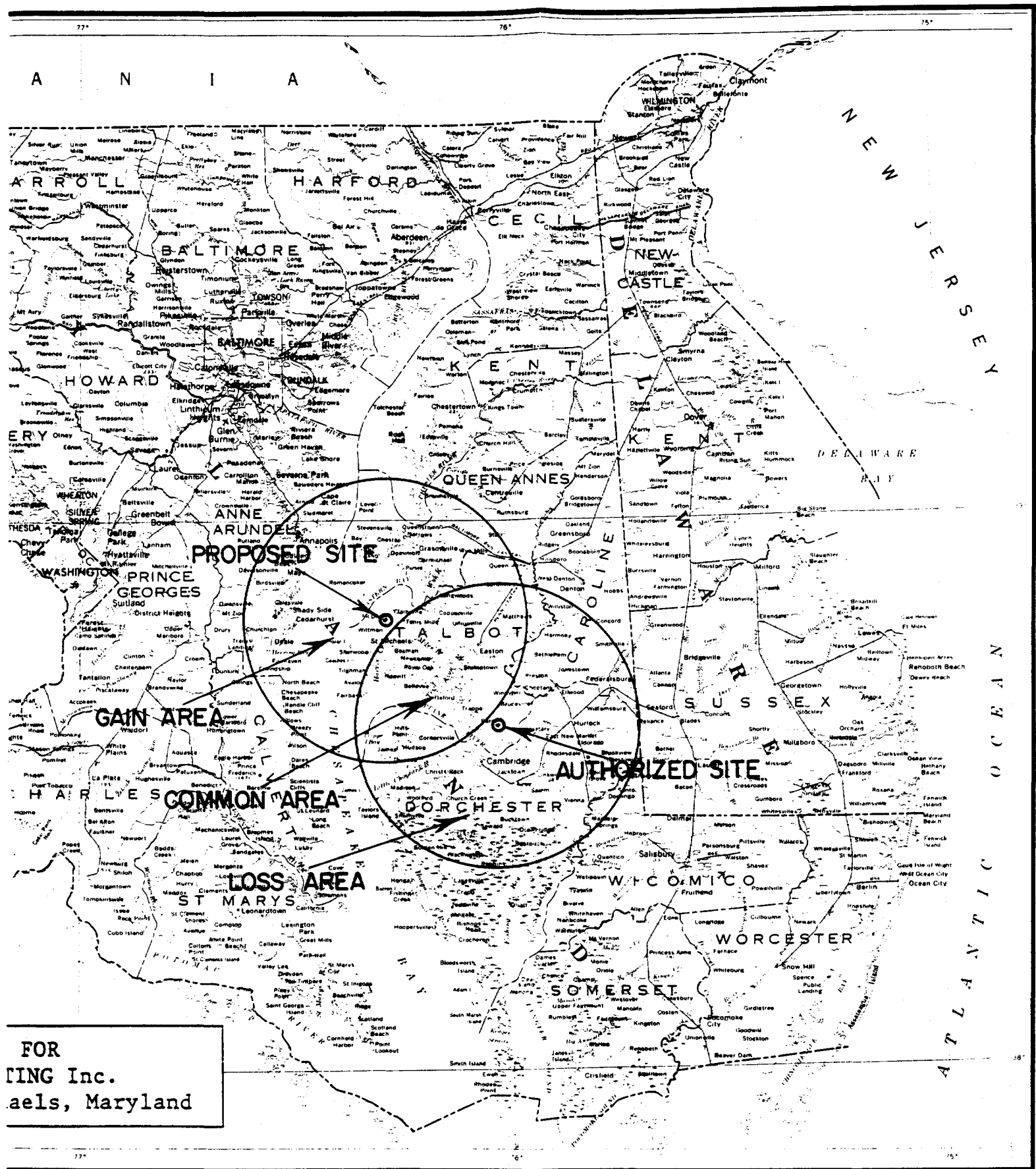
LECHMAN & JOHNSON, INC.



Thomas J. Johnson  
Telecommunications Consultant  
January 6, 1993

1/ See Section 73.211(b) of the FCC Rules And Regulations.

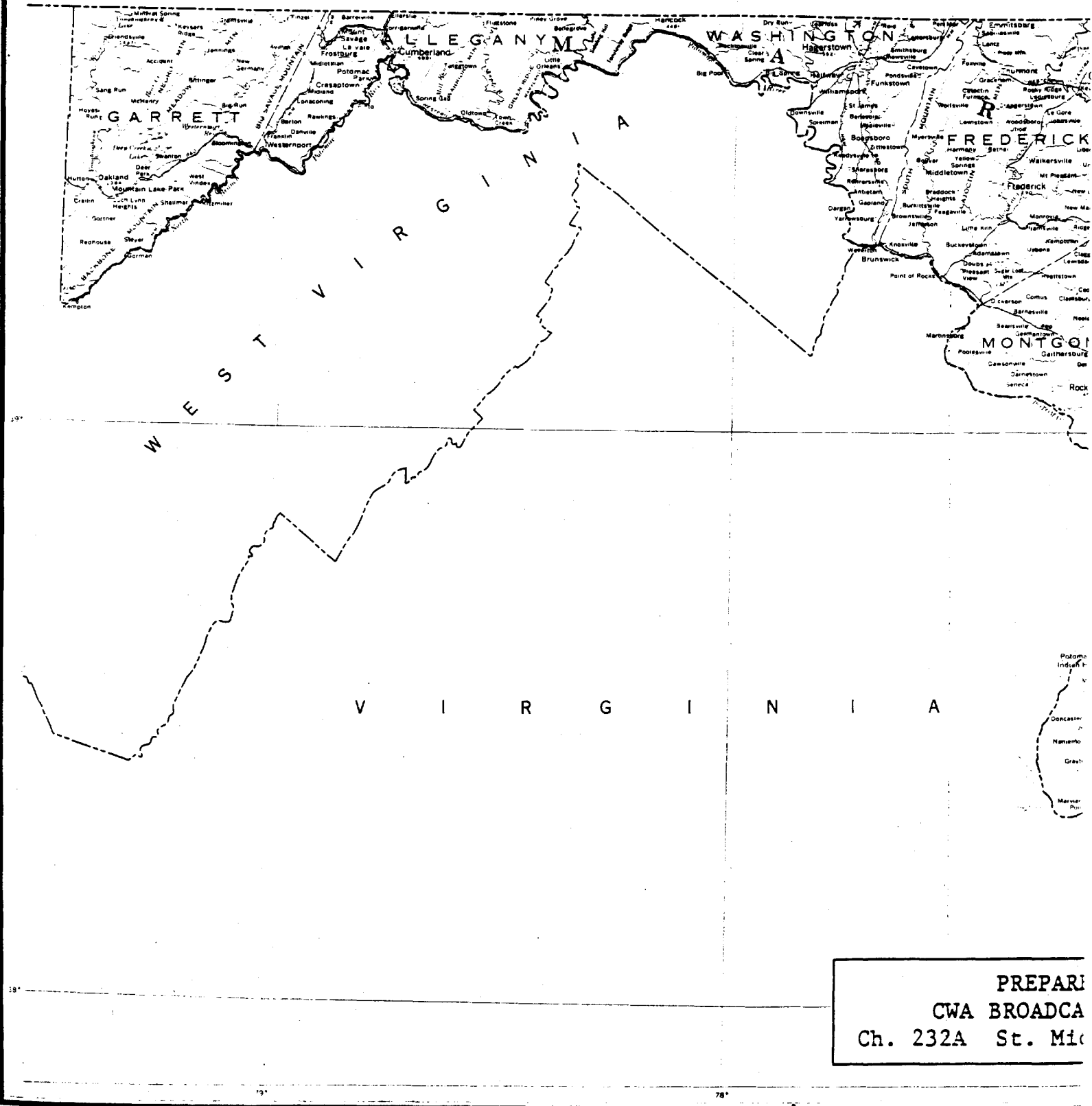
LECHMAN & JOHNSON, INC.



FOR  
ING Inc.  
aels, Maryland

LECHMAN & JOHNSON, INC.  
TELECOMMUNICATIONS CONSULTANTS  
1681 TRADE SONE AVENUE, SUITE 100  
UPPER MARLBORO, MD 20778  
(301) 390-0900

P E N N S Y L V



PREPARED  
CWA BROADCAST  
Ch. 232A St. Michael's

**ATTACHMENT B**

Lechman & Johnson  
Upper Marlboro, MD

Page 0  
Jan 5, 1993

1990 Population Count

Title: wfbr(proposed)  
Audit File: pcx01053.A02

Latitude: 38-49-17  
Longitude: 76-17-27

Azimuth	Dist (km)	Azimuth	Dist (km)	Azimuth	Dist (km)
0.00	28.00	45.00	28.00	90.00	28.00
135.00	28.00	180.00	28.00	225.00	28.00
270.00	28.00	315.00	28.00		

Block Group Level Count Displayed by City and State  
Area of contour : 2462.307 square km  
Area of contour : 950.702 square mi

Page 1  
Jan 5, 1993

Title: wfbr (proposed)  
Audit File: pcx01053.A02

Longitude: 76-17-27

Maryland, Anne Arundel County								
County Total:	34863	87076	68888	1289	15638	989	227	45
Maryland, Calvert County								
County Total:	2668	6905	6287	84	488	27	17	2
Maryland, Dorchester County								
County Total:	576	926	896	6	15	9	0	0
Maryland, Queen Anne's County								
County Total:	8256	19887	17855	118	1801	79	32	2
Maryland, Talbot County								
County Total:	13519	27699	22420	121	5009	84	40	25
State Total :	59882	142493	116346	1618	22951	1188	316	74
Total Run Population:	59882	142493	116346	1618	22951	1188	316	74
Repeat file transmission? <cr>=NO, Yes=Repeat :								



**ATTACHMENT A**

Lechman & Johnson  
Upper Marlboro, MD

Page 0  
Jan 5, 1993

1990 Population Count

Title: wfbr(existing)  
Audit File: pcx01053.A01

Latitude: 38-37-53  
Longitude: 76-01-33

Azimuth	Dist (km)	Azimuth	Dist (km)	Azimuth	Dist (km)
0.00	28.00	45.00	28.00	90.00	28.00
135.00	28.00	180.00	28.00	225.00	28.00
270.00	28.00	315.00	28.00		

Block Group Level Count Displayed by City and State  
Area of contour : 2462.307 square km  
Area of contour : 950.702 square mi

1990 Population Count

Title: wfbr(existing) Latitude: 38-37-53  
Audit File: pcx01053.A01 Longitude: 76-01-33

	Houses	Total	White	Hisp	Black	Asian	AmIn	other
Maryland, Caroline County								
County Total:	4016	9846	7575	85	2162	14	10	0
Maryland, Dorchester County								
County Total:	12821	28167	19558	177	8253	133	35	11
Maryland, Talbot County								
County Total:	13001	27122	21746	158	5065	88	38	27
State Total :	29838	65135	48879	420	15480	235	83	38
Total Run Population:	29838	65135	48879	420	15480	235	83	38

Repeat file transmission? <cr>=NO, Yes=Repeat :

**"EXHIBIT 3"**

Before The  
Federal Communications Commission  
Washington, D.C.

Mr. Dennis Williams  
Chief, FM Branch  
MASS Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Amendment to WFBR (FM), Cambridge, MD  
C.W.A. Broadcasting, Inc.  
Extension of Time to Construct  
File No. BMPH-920828JK  
Reply To: 1800B3-DJS

Dear Mr. Williams:

This is in response to your letter of October 30, 1992, requesting in detail CWA Broadcasting, Inc.'s schedule regarding the proposed construction of WFBR's facilities. This request was made in connection with CWA's extension request of August 28, 1992.

Pursuant to Section 73.3598, Item Number (3), no progress has been made for reasons clearly beyond the Permittee's control. The Permittee has taken all possible steps to resolve the problem and proceed with construction.

By way of a brief history during the extension period from March 17, 1992, to September 17, 1992, CWA, Inc. made efforts to locate a new transmitter site in the Cambridge area, and has performed the following:

In January of 1992 I resigned my position as Executive Vice President of W.A.N.N., Annapolis, Maryland, in order to devote full time to obtain a suitable transmitter site and construct WFBR, FM.

In January 1992 CWA contracted Mrs. Jacqueline L. Thomas who also owns property in Trapp, Maryland. During June CWA, Inc. contracted Mr. William Myers, also of Trapp, Maryland, requesting the use of his property and in July 1992, Mr. & Mrs. John Brummell also of Trapp, Maryland.

Mr. Dennis Williams  
November 25, 1992  
Page two

In April, 1992, I contracted Mr. William Banks of Trapp, Maryland, who owns property along Highway Route 50 in Trapp, Maryland.

In each case these sites were presented to the Planning and Zoning office to see if they would be accepted. In each case, CWA, Inc. was informed that they were not excepted sites.

In further discussions with several officials at the Talbot County Planning and Zoning, it became clear the only way to break the impasse was for C.W.A., Inc. to locate it's transmission site on a tower that was already in place. This, as I'm sure you realize puts CWA, Inc. in a difficult position, as well as limits the number of sites available. In an effort to meet the Planning and Zoning rules, CWA, Inc. has undertaken the task to locate a transmission site which we can utilize one of the towers in the area.

Enclosed shown as "Exhibit A", is a letter dated November 18, 1992, from Mr. Daniel Cowee, that clearly summarizes my many efforts to meet the Planning and Zoning requirements and proceed towards the construction completion. Also enclosed, as part of Exhibit A, are other documents in support of my efforts.

To further facilitate my efforts to meet the FCC's criteria, under which an extension request may be granted.

I have had extensive discussions with several people, including my new associate, Mr. James Sleeman, and my Consulting Engineer, Mr. Thomas Johnson, as to the best way to locate a suitable transmission site.

Since mid August of 1992, I have contacted several Tower owners in the Talbot County area. As I'm sure the FCC is aware, that with a growing number of new communication weeds and services, such as modular phone, paging, cable and the like. Tower space has become very prime.

In September of 1992 through extensive discussions with Television Station W.B.O.C. in Salisbury, Maryland; they have agreed to provide the tower space at their auxiliary tower which is located near St. Michaels, Maryland. (This location is referred to as Wade Point). Enclosed and shown as "Exhibit B", is a copy of their letter. Also enclosed, as part of this Exhibit B, is a copy of a letter from Lechman & Johnson, Telecommunications Consultants.

On November 16, 1992, I filed with the FCC a proposed amendment to the FM Table of Allotments in a Petition for Rulemaking to change the city of License from Cambridge, Maryland to St. Michaels, Maryland and to modify WFBR (FM) construction permit (BMPH-920820JK). This filing was done in part to accommodate the St. Michael's Wade Point site. A copy of the petition for rule making is enclosed and shown as "Exhibit C".

Mr. Dennis Williams  
November 25, 1992  
Page three

In addition, Peter Lechman, of Lechman & Johnson, Inc., was involved in getting a cost proposal and the type of equipment needed to construct the Cambridge station when he was at the 1992 NAB Radio Convention in New Orleans, LA. Mr. Lechman was at the radio convention September 9 through September 13th, before returning to his office. At that time, he gave me information and a verbal report on what the cost would be to construct and equipment as needed. However, the tower site problem prevented him from going forth with the ordering of the equipment.

From January 1992 to present, my former employer, Mr. Morris Blum, Owner of WANN in Annapolis, Maryland, and a leading broadcast industry engineer since 1947, has met with me countless times to provide many types of equipment packages. Mr. Blum and his engineering staff have provided me with all types of equipment currently available.

During this same time frame I have had a number of meetings with many broadcast equipment suppliers and broadcast engineers to determine which would be the best equipment to select.

I have made several visits to many people I know who have construction permits or who recently put stations on the air. In particular, the Reverend George Copeland of Salisbury, Maryland (WDIH FM). I felt his station was well planned and he gave me good, sound advice, as he had just worked with many broadcast equipment suppliers and engineers.

I also feel that it is important to point out that I had several meetings and extensive talks with Mr. Ringer, Chief Engineer for WICO (FM) at Salisbury, Maryland. As you and the Commission are aware, I am responsible for helping to change from Channel 232A WICO (FM), current assignment to Channel 248A.

Mr. Ringer and I have discussed in detail the best way to handle this exchange of Channels. We have a preliminary working plan to accommodate both stations.

I would like to express that Mr. William Prettyman and his staff at WICO have been very helpful and have been most patient with me throughout the long delays.

As I'm sure are aware, CWA has been placed in a real "catch-twenty-two" situation with respect to placing equipment orders, since many of the zoning problems were not resolved. Most major broadcast equipment suppliers charge a fee for equipment which is ordered but not delivered within 120 days.

## CONCLUSION

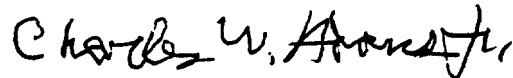
This has been a long and difficult period to find a way to break the impasse with the Talbot County Planning and Zoning officials.

I feel that I have taken the steps necessary to resolve this matter. The material filed with the FCC on February 9, 1992, to the present shows the efforts put forth to resolve the impasse. This situation has been beyond the control of CWA, Inc.

Should the Federal Communications Commission implement the proposed rule making filed November 16, 1992, CWA, Inc. will expeditiously construct and operate Radio Station W.F.B.R. (FM). This station will represent the first black owned and operated radio station on the Eastern Shore of Maryland, and the public interest will be well served.

I am hopeful that the FCC is persuaded to grant the requested extension of time to construct.

Respectfully Submitted;

A handwritten signature in cursive script, reading "Charles W. Adams, Jr.", written in dark ink.

Charles W. Adams, Jr., President  
C.W.A. Broadcasting, Inc.  
35 Solomons Island Road  
Annapolis, MD 21401



"EXHIBIT A"